



U.S. Department of Justice

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March 16, 2022

The Honorable Sarah Netburn
United States Magistrate Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: In the Matter of Disclosure of Grand Jury Material in Connection with *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (S.D.N.Y.) (GBD) (SN)

Dear Judge Netburn:

On March 1, 2022, the Government filed an additional petition under Federal Rule of Criminal Procedure 6(e), seeking authorization to publicly disclose federal grand jury records in connection with the *In re Terrorist Attacks* litigation. (ECF No. 7710). That petition was prompted by the Government's declassification review under the Executive Order on Declassification Review of Certain Documents Concerning the Terrorist Attacks of September 11, 2001 (the "Executive Order" or "E.O."). The Court granted that petition in an order dated March 2, 2022. (ECF No. 7718).

As the Government informed the Court in its status letter of March 10, 2022 (ECF No. 7743), the Government's productions under the Executive Order remain on-going. In the course of preparing one of the final sets of records to be produced, the FBI has determined that certain documents contain discussions and analysis of business and education records that were obtained pursuant to grand jury subpoena. The FBI is unable to produce information that constitutes grand jury materials subject to the protections of Federal Rule of Criminal Procedure 6(e)(2)(B), without an order authorizing disclosure pursuant to Federal Rule of Criminal Procedure 6(e)(3)(E)(i). The FBI accordingly seeks an order from this Court authorizing it to disclose these records, as further described in the attached petition.

The Government takes no position on whether additional submissions from the PECs will be necessary to satisfy the "particularized need" standard required for disclosure under Rule 6(e)(3)(E)(i). *See, e.g., Douglas Oil Co. v. Petrol Stops Nw.*, 441 U.S. 211 (1979).

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

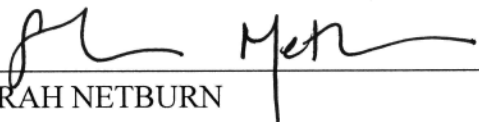
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The Government's petition for the disclosure of grand jury material is GRANTED under Federal Rule of Criminal Procedure 6(e)(3)(E)(i). The Court has already determined on numerous occasions that the Plaintiffs need the type of materials at issue here. See, e.g., ECF Nos. 5193, 6854, 6672, 7107, 7718. As in those cases, the Government has likewise determined here that there is no further need to keep these materials secret. The Plaintiffs' Executive Committees' arguments in favor of disclosure made at ECF No. 7716, that the Court credited in granting the petition at ECF No. 7718, are also substantially applicable here, as both relate to materials to be disclosed pursuant to President Biden's Executive Order on Declassification Review of Certain Documents Concerning the Terrorist Attacks of September 11, 2001. Accordingly, disclosure of these materials is appropriate. Material disclosed under this Order shall not be subject to the terms of the protective orders at ECF Nos. 1900 and 4255 and may be disclosed subject to any redactions required by the Privacy Act.

The Clerk of the Court is respectfully directed to GRANT the motion at ECF No. 7755.

SO ORDERED.

Dated: March 22, 2022
New York, New York



SARAH NETBURN
United States Magistrate Judge